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TO RUEHC/SECSTATE WASHDC IMMEDIATE 1043  
INFO RUCNMEM/EU MEMBER STATES PRIORITY  
RHMFIUU/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY  
RULSDMK/DEPT OF TRANSPORTATION WASHDC PRIORITY  
RUEHBS/USEU BRUSSELS PRIORITY 1728  
RUEAWJA/DEPARTMENT OF JUSTICE WASHDC PRIORITY

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STATE FOR EUR/WE/ EB/TRA, L, S/CT  
USEU FOR MORENSKI

E.O. 12958: N/A

TAGS: FAIR ECON PTER ASEC FR

SUBJECT: AIR FRANCE ON PNR, NO-FLY AND CNIL

REF: A. PARIS 5674

1B. STATE 125421

¶1. (SBU) SUMMARY. Air France is confident that it will be able to transmit PNR data to the USG on October 1 with or without a new US-EU PNR agreement. The airline at present has no plans to file with the France Data Privacy Commission (CNIL) for approval of its current No Fly procedures, contrary to what we have heard from the GOF (ref A). Air France has also confirmed that the GOF has signaled informally that it no longer needs to notify the French border police (PAF) of suspected No Fly &hits8 before notifying the USG. END SUMMARY.

¶2. (SBU) PNR. Guy Tardieu (protect throughout), chief of staff to Air France-KLM Chairman and CEO Jean-Cyril Spinetta, told Economic Minister-Counselor August 31 that Air France is confident that the airline will be able to continue transmission of Passenger Name Record (PNR) data to the USG on October 1, whether or not a new U.S.-EU PNR agreement is in place by September 30. Tardieu admitted that the carrier would do so in a legal limbo, but expected no immediate problem with the continuation of current procedures. He cautioned, however, that the longer PNR transmission proceeds without such an agreement, the greater the chance that pressure will grow for action by national data privacy authorities.

¶3. (SBU) NO FLY / CNIL. Contrary to what Embassy officials heard from the GOF last week (ref A), Air France currently has no plans to file formally with the French Data Privacy Commission (CNIL) for approval of its No Fly procedures. Tardieu said that he has had informal discussions with the CNIL, and believes that the CNIL is prepared to let the status quo reign until DHS introduces its APIS Quick Query (AQQ) name check system. Air France hopes - optimistically in our view - that AQQ may obviate the need for CNIL oversight/approval of passenger data transmission. (Comment. This is not the first time we have received different renditions of the state-of-play on CNIL issues from the GOF and Air France. End Comment.)

¶4. (SBU) NO FLY / PAF. Air France confirmed that the GOF has told the airline informally that it need no longer notify the French Border Police (PAF) of suspected No Fly &hits8 before notifying the USG. (See ref A for initial report.) Tardieu said that he does not expect to receive this instruction in writing from the GOF, citing &sovereignty8 sensitivities.

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